

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

ARK LABORATORY, LLC,

Debtor.

Case No. 23-43403-MLO
Chapter 11
Hon. Maria L. Oxholm

JASON W. BANK, SOLELY IN HIS
CAPACITY AS SUCCESSOR TRUSTEE
OF THE ARK LABORATORY TRUST,

Plaintiff,

Adv. P. No. 23-04496-MLO

v.

JAMES A. GROSSI, an Individual,
2210/305 LLC, a Michigan limited liability
Company, BRIAN TIERNEY,
Individually and as Trustee of the
TIERNEY FAMILY TRUST DATED
12/21/2018, NAMEER KIMINAIA,
Individually and as Trustee of the NAMEER
KIMINAIA LIVING TRUST DATED 5/31/2019,
TIERNEY FAMILY TRUST DATED
12/21/2018, NAMEER KIMINAIA
LIVING TRUST DATED 5/31/2019,
HAMID SATTAR, ION DIAGNOSTICS, LLC, a
Michigan limited liability company, and ION
MARKETING, LLC, a Michigan limited liability
company,

Defendants.

**STIPULATION FOR ENTRY OF ORDER EXTENDING CERTAIN
DEADLINES IN THE SCHEDULING ORDER**

Plaintiff, Jason W. Bank, solely in his capacity as Successor Trustee of the Ark Laboratory Trust (“Plaintiff”), and Defendants, Brian Tierney, Nameer Kiminaia, Tierney Family Trust Dated 12/21/2018, the Nameer Kiminaia Living Trust Dated 5/31/2019, ION Diagnostics, LLC and ION Marketing, LLC (“Defendants” and together with Plaintiff, the “Parties”),¹ by and through their undersigned counsel, for their Stipulation for the Second Amendment to Adversary Proceeding Scheduling Order (“Stipulation”), state as follows:

WHEREAS, the Parties have made substantial progress in settlement negotiations and have reached a settlement in principle subject to (i) delivery of certain “due diligence” materials by the Defendants, to be reviewed by Plaintiff, and (ii) advise the Post-Confirmation Committee, established under the *Debtor’s Second Amended Plan of Liquidation* [ECF No. 384] confirmed by the Court on December 1, 2023 as reflected in the *Findings of Fact, Conclusions of Law and Order (I) Granting Final Approval of the Disclosure Statement and Plan Supplement, and (II) Confirming Debtor’s Second Amended Plan of Liquidation* [ECF No., 392], of the

¹ James A. Grossi (“Grossi”), one of the Defendants in this Adversary Proceeding, is not a party to this Stipulation as he filed a voluntary petition under Chapter 13 of the Bankruptcy Code, Case No. 25-43866 and, as a result thereof, an automatic stay is currently in place that precludes the taking of action as to Grossi absent the lifting of the automatic stay. The Plaintiff filed a motion to lift the automatic stay in Grossi’s case that is currently pending before the Court.

proposed settlement and the basis thereof; and

WHEREAS, the Court issued an initial scheduling order (“Scheduling Order”) for this Adversary Proceeding that has been amended by the Court several times, the most recent being reflected in the *Stipulated Order Extending Certain Discovery Deadlines* [ECF Adv. Pro. No. 303] entered by this Court on May 28, 2025; and

WHEREAS, the Parties believe that an additional two-week extension of certain deadlines in the Scheduling Order will facilitate a successful outcome of settlement negotiations and negate the ultimate trial of this matter; and

WHEREAS, if a settlement is not finalized, extending these dates will not impact the other dates and deadlines, including the date of trial established by the Court;

Accordingly, the Parties, through their respective counsel, believe that good cause exists to extend certain dates and therefore stipulate to the entry of the proposed Order, attached as **Exhibit 1**, hereto.

***** SIGNATURES FOLLOW ON NEXT PAGE *****

**APPROVED AS TO FORM AND
CONTENT:**

Dated: May 28, 2025

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EXHIBIT 1
(Proposed Order)

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company,

Defendants.

**STIPULATED ORDER EXTENDING CERTAIN
DATES IN THE SCHEDULING ORDER**

THIS MATTER having come before the Court upon the *Stipulation For Entry Of Order Extending Certain Dates in the Scheduling Order* [ECF No. ____] (“Stipulation”) between Plaintiff, Jason W. Bank , solely in his capacity as Successor Trustee of the Ark Laboratory Trust (“Plaintiff”) and Defendants, Brian Tierney, Nameer Kiminaia, Tierney Family Trust Dated 12/21/2018, the Nameer Kiminaia Living Trust Dated 5/31/2019, ION Diagnostics, LLC and ION Marketing, LLC (collectively, the “Defendants” and, collectively with the Plaintiff, the “Parties”), the Court having reviewed the same; the Court having found good cause for the relief sought herein; and the Court being otherwise duly advised in the premises;

IT IS HEREBY ORDERED that the following deadlines enumerated below are extended as follows:

- A. Deadline for Defendants to Answer Plaintiff’s Second Request for Admissions [ECF Nos 291, 292, 293, 294, 295, 296, 297 and 298] is extended from May 28, 2025 to June 11, 2025; and
- B. Deadline for Plaintiff to serve his expert report is extended from May 30, 2025 to June 13, 2025; and
- C. Deadline for Defendants to serve their expert report is extended from July 10, 2025 to July 24, 2025; and
- D. Deadline for the Parties to complete discovery is extended from July 28, 2025 to August 8, 2025.

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2025, my office electronically filed the foregoing papers with the Clerk of the Court using the ECF system, which will send notification of such filing to all those listed by the Court as receiving electronic notices in this case from the Court's CM/ECF system.

Respectfully submitted,

**TAFT, STETTINIUS & HOLLISTER,
LLP**

Dated: May 28, 2025

By: /s/ Kimberly Ross Clayson
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